

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Glenn Brown	Team: Team # 1	CCRB Case #: 201404866	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 05/08/2014 6:45 PM	Location of Incident: [REDACTED]	Precinct: 113	18 Mo. SOL 11/8/2015	EO SOL 11/8/2015	
Date/Time CV Reported Mon, 05/19/2014 12:20 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 05/19/2014 12:20 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. POF Connie Duncan	14394	941689	113 PCT
3. POM Kyle Bradley	30772	945861	113 PCT
4. POM Ryan Quarte	16239	951093	113 PCT
5. DT3 Brian Heerey	05756	915874	113 DET
6. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Courtney Nilan	00000	935402	113 PCT
2. POM Matthew Rehman	13025	941697	ESS 09
3. DT3 Jessica Romance	03441	941641	113 DET

Officer(s)	Allegation	Investigator Recommendation
A.POF Connie Duncan	Force: At § 87(2)(b) in Queens, PO Connie Duncan fired her gun.	[REDACTED]
B.POM Kyle Bradley	Force: At § 87(2)(b) in Queens, PO Kyle Bradley fired his gun.	[REDACTED]
C.POF Connie Duncan	Abuse: At § 87(2)(b) in Queens, PO Connie Duncan damaged § 87(2)(b)'s property.	[REDACTED]
D.POM Kyle Bradley	Abuse: At § 87(2)(b) in Queens, PO Kyle Bradley damaged § 87(2)(b)'s property.	[REDACTED]
E.DT3 Brian Heerey	Discourtesy: At § 87(2)(b) in Queens, Det. Brian Heerey spoke discourteously to § 87(2)(b).	[REDACTED]
F. An officer	Abuse: An officer authorized the entry and search of § 87(2)(b) in Queens.	[REDACTED]
G. Officers	Abuse: At § 87(2)(b) in Queens, officers damaged § 87(2)(b)'s property.	[REDACTED]
H.POM Ryan Quarte	Discourtesy: At the 113th Precinct stationhouse, PO Ryan Quarte spoke discourteously to § 87(2)(b).	[REDACTED]

§ 87(2)(b)

§ 87(2)(b) at the front door, they went around to the backyard with § 87(2)(b). Soon after arriving in the backyard, § 87(2)(b) opened the backdoor and released two full grown pit bulls into the backyard. The dogs ran towards PO Duncan and PO Bradley and both officers discharged their firearms at the dogs, striking one of them in the front and rear legs (**Allegations A, B, C, and D**). The dogs were brought back inside and PO Duncan requested additional units to the location. Approximately 30 minutes later, members of the 113th Precinct Detective Squad persuaded § 87(2)(b).

(S 87(2)(b))

(S 87(2)(b)) _____

(S 87(2)(b)) _____

Mediation, Notice of Claim, and Criminal Histories

has no previous criminal convictions.

Civilian and Officer CCRB Histories

- allegations against him (encl. A5).

Findings and Recommendations

Explanation of Subject Officer Identification

PO Duncan and PO Bradley both acknowledged firing their weapons at § 87(2)(b)'s dogs. Therefore, Allegations A, B, C, and D, have been pled against them.

§ 87(2)(b) stated that the officer who allegedly used discourteous language with her as she walked down the front steps of her home was a plainclothes white male, 6'1" tall, with a receding hairline and in his 40s. PO Matthew Rehman, Lt. Courtney Nilan, and the ESU report corroborate that the family surrendered to the 113th Precinct Detective Squad (encl. C14-26, C21-23, § 87(2)(b)) Det. Brian Heerey, from the 113th Precinct Detective Squad, who acknowledged that he was at the incident location (encl. C27-31), is a white male, 5'11" tall, 200 pounds, with a bald head and was 43 years old at the time of the incident. Det. Heerey also stated that he did not think there was anyone else in the Detective Squad with a bald head. Therefore, Allegation E has been pled against Det. Brian Heerey.

PO Rehman said that the decision to enter the house and secure the dogs was made by the Duty Captain, Cpt. Roderick Dantini, and the Duty Inspector, DI Henry Sautner. Because identifying which of these two officers authorized the entry and search of the house would not change the disposition of the allegation, Allegation F has been pled against "an officer" from an unknown command.

None of the civilians were inside of the house when the property was allegedly damaged and did not see who allegedly caused the damage. PO Rehman stated that eight ESU officers entered the residence in order to perform the search, but no officers acknowledged damaging property. Therefore, Allegation G has been pled against "Officers."

§ 87(2)(b) alleged that the officer who transported her from the hospital to the 113th Precinct station house and then to Queens Central Booking used discourteous language. She believed this officer's name was Duarte. PO Ryan Quarte acknowledged transporting § 87(2)(b) to Queens Central Booking. Therefore, Allegation H has been pled against PO Quarte.

- **Allegation A) Force: At § 87(2)(b) in Queens, PO Connie Duncan fired her gun.**
- **Allegation B) Force: At § 87(2)(b) in Queens, PO Kyle Bradley fired his gun.**
- **Allegation C) Abuse of Authority: At § 87(2)(b) in Queens, PO Connie Duncan damaged § 87(2)(b)'s property.**
- **Allegation D) Abuse of Authority: At § 87(2)(b) in Queens, PO Kyle Bradley damaged § 87(2)(b)'s property.**

It is undisputed that § 87(2)(b)'s two full-grown pit bulls, Maitee, a female, and Boika, a male, ran, unleashed, out of the backdoor of the house and into the backyard while § 87(2)(b), PO Duncan, and PO Bradley were there. Subsequently, PO Duncan and PO Bradley discharged their firearms at the dogs, striking Maitee. Where the dogs and the officers were situated and what the dogs were doing, however, is in dispute.

§ 87(2)(b) stated while she was speaking with § 87(2)(b) at the backdoor and without realizing that both PO Duncan and PO Bradley were in the backyard, both dogs accidentally slipped past § 87(2)(b). Maitee ran out barking and when she was approximately twenty feet away from PO Duncan and PO Bradley, and standing still, PO Duncan fired at Maitee, striking her in the paw. PO Bradley also fired one shot. § 87(2)(b)

§ 87(2)(b) stated that she ran into the yard and placed herself between

the officers and Maitee, at which time the officers stopped firing their weapons. § 87(2)(b) walked back into the house and § 87(2)(b) and § 87(2)(b) called for the dogs, at which time the dogs ran back into the house (encl. B5-17).

§ 87(2)(b) stated that he was in the kitchen at the time that the dogs ran outside and that he did not see where the dogs were when the officers fired their weapons (encl. B18-22). § 87(2)(b) stated that he saw Maitee sit down in the yard before he heard gunshots, though he could not see where the officers or the dogs were when he heard the gunshots (encl. B23-28).

§ 87(2)(b) stated that when he got to the backyard with PO Duncan and PO Bradley, the officers knocked on the backdoor. After a few minutes, § 87(2)(b) opened the door, shouted, “Go. Go. Go,” and the dogs ran into the backyard. Boika barked as he ran into the backyard. When the dogs reached the middle of the yard, they both turned around and started to approach the officers. PO Duncan and PO Bradley backed up, but ran into a patio table. Boika barked as he approached the officers and Maitee approached silently, somewhat behind Boika. When the dogs were within six or seven feet of the officers, PO Duncan and PO Bradley drew their firearms and each shot at the dogs four or five times, striking one of the dogs once (encl. B29-36).

Medical records from Animal Care and Control confirm that Maitee had a gunshot wound to her front right leg and a wound to her rear right leg (encl. E1-10, G3).

PO Bradley stated that when both dogs exited the house, they charged at him barking. PO Bradley yelled for § 87(2)(b) to put the dogs back inside. When the dogs were within one or two feet of him, he drew his firearm and fired at the dogs one time. PO Bradley’s firearm malfunctioned, preventing it from firing anymore, and one of the dogs ran into the rear of the yard. The other dog stayed close to PO Bradley and then PO Duncan stepped in front of PO Bradley and fired several times at this closer dog. In response, the dog that had gone to the rear of the yard, charged back towards PO Duncan and PO Bradley and PO Duncan fired her firearm again. Then, one of the dogs ran into the front yard and the other dog stayed in the middle of the yard, while the officers retreated up the driveway (encl. C8-13).

PO Duncan stated that both dogs “surrounded” PO Bradley, so he drew his firearm and fired one round before the weapon malfunctioned. PO Duncan drew her firearm and fired three or four shots, striking one dog. One of the dogs ran into the front yard and the other stayed in the backyard, but the officers were able to retreat into the driveway (encl C1-7).

§ 87(2)(b), § 87(2)(g)

Patrol Guide Procedure 203-12 permits an officer to discharge his firearm at a canine to protect himself or others from physical injury, in the event that no other means to eliminate the threat are available (encl. i-ii).

§ 87(2)(b), § 87(2)(g)

- Allegation E) Discourtesy: At § 87(2)(b) in Queens, Det. Brian Heerey spoke discourteously to § 87(2)(b)

§ 87(2)(b) alleged that while she was walking down the front steps of her house, Det. Heerey walked past her and asked her, “You fucking crazy? You put the fucking dogs on the cops?” § 87(2)(b). Although § 87(2)(b) said no other family members were with her when this happened, § 87(2)(b) stated that he and § 87(2)(b) were with § 87(2)(b) when she opened the front door and a bald male detective, Det. Heerey, and female detective, Det. Jessica Romance, were there. Neither § 87(2)(b) nor § 87(2)(b) alleged any discourteous language was used.

Det. Heerey did not believe that he ever had any interaction with § 87(2)(b) or any of the arrestees while he was at the scene and he denied making the alleged remark (encl. C27-31). Det. Romance, who arrived at the location with Det. Heerey, did not hear any officer make this remark to § 87(2)(b) (encl. C32-36). All of the other officers interviewed were out of ear-shot at the time of the alleged remark.

§ 87(2)(b), § 87(2)(g)
§ 87(2)(b)
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§ 87(2)(b)

- **Allegation F) Abuse of Authority: An officer authorized the entry and search of § 87(2)(b) in Queens.**

It is undisputed that officers entered and searched § 87(2)(b) following the family’s removal from the house and subsequent arrest.

PO Rehman stated that the reason for the entry and search of the house was in order to conduct a security sweep and to secure the dogs (one of which had been shot) that had been left inside. Furthermore, the ESU team also entered in order to determine if there were any civilians still hiding inside (encl. C18-26).

Without a warrant, officers are permitted to enter a residence under the “emergency exception” as detailed in People v. Greenleaf 222 A.D.2d 838 (1995 N.Y. App. Div.) (encl. iii-iv). This ruling found that officers can enter a residence provided they have reason to believe that there is an emergency and an immediate need to protect life or property. Any subsequent search of the residence must not be motivated by an intent to arrest an individual or seize property and all areas searched must in some way be associated with the emergency that officers’ presence is addressing.

§ 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

- **Allegation G) Abuse of Authority: At § 87(2)(b) in Queens, Officers damaged § 87(2)(b)s property.**

§ 87(2)(b) stated that when she returned to her home she allegedly found that several computer monitors no longer worked and that a door in the basement had been broken off its hinges. § 87(2)(b) also provided photographs of the house that she took when she returned home, though these photographs only show a house in disarray, and no undisputable damage to property (encl. B12-16). When § 87(2)(b) returned home, he found that the house number that was affixed to the front door was tilted to the side, two surveillance system monitors were broken, the

living room television's screen was broken, a basement door panel had been broken, and both § 87(2)(b) and § 87(2)(b) alleged that an XBOX was broken.

§ 87(2)(g)

• **Allegation H) Discourtesy: At the 113th Precinct stationhouse, PO Ryan Quarte spoke discourteously to** § 87(2)(b)

§ 87(2)(b) stated that after she was brought back to the stationhouse from the hospital and was standing in front of the desk, she asked PO Quarte to loosen her handcuffs and PO Quarte allegedly told her, "You sent the fucking dogs on the cops." Later in her statement, § 87(2)(b) alleged that PO Quarte said, "You're fucking going to jail," and "You're fucking crazy."

PO Quarte did not recall telling § 87(2)(b) "You sent the fucking dogs on the cops," and he denied telling her, "You're fucking going to jail," or "You're fucking crazy." Sgt. McCormick, the desk sergeant at the time, denied that PO Quarte made any of these remarks.

§ 87(2)(g)

Team: 1

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date